

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/22/2025
--

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
UNITED STATES OF AMERICA	:	
- v. -	:	CONSENT PRELIMINARY ORDER
	:	OF FORFEITURE AS TO
DAVID CASTILLO,	:	<u>SPECIFIC PROPERTY</u>
	:	
Defendant.	:	24 Cr. 199 (GHW)
	:	
-----	X	

WHEREAS, on or about April 3, 2024, DAVID CASTILLO (the “Defendant”), was charged in an Indictment, 24 Cr. 199 (GHW) (the “Indictment”), with possession of a firearm after a felony conviction, in violation of Title 18, United States Code, Sections 922(g)(1) and 2 (Count One);

WHEREAS, the Indictment included a forfeiture allegation as to Count One of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), of any and all firearms and ammunition involved in or used in the offense charged in Count One of the Indictment, including but not limited to:

- a. A .40 caliber semi-automatic black Glock 27 bearing serial number DDA492 and its extended capacity magazine; and
- b. (14) Fourteen .40 caliber cartridges;

(a. and b. together, the “Specific Property”);

WHEREAS, on or about September 16, 2024, the Defendant pled guilty to Count One of the Indictment, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c), all of his right, title, and interest in the Specific Property;

4. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, www.forfeiture.gov. This site incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish the internet ad for at least thirty (30) consecutive days. Any person, other than the Defendant, claiming interest in the Specific Property must file a Petition within sixty (60) days from the first day of publication of the Notice on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

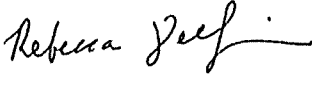
6. Pursuant to 32.2 (b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

10. The signature page of this Consent Preliminary Order of Forfeiture as to Specific Property may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DANIELLE R. SASSOON
United States Attorney for the
Southern District of New York

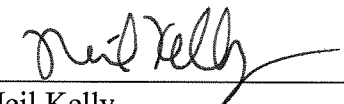
By: 
Rebecca R. Delfiner
Assistant United States Attorney
26 Federal Plaza
New York, NY 10278
(212) 637-2427

1/21/2025
DATE

DAVID CASTILLO


By: 
DAVID CASTILLO

1/21/25
DATE

By: 
Neil Kelly
Federal Defenders of New York, Inc.
52 Duane Street, 10th Floor
New York, NY 10007
Office: (212) 417-8744
Cell: (646) 335-3785

1/21/25
DATE

SO ORDERED:


HONORABLE GREGORY H. WOODS
UNITED STATES DISTRICT JUDGE

1/22/2025
DATE